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CGI FEDERAL INC.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CGI FEDERAL INC., a Delaware Corporation,

Plaintiff,

v.

AEROJET ROCKETDYNE, INC., an Ohio
Corporation,

Defendant

AEROJET ROCKETDYNE, INC., an Ohio
Corporation,

Counterclaimant,

v.

CGI FEDERAL INC., a Delaware Corporation

Counterclaim-Defendant.

Case No.: 2:20-CV-01781-JAM-KJN

**STIPULATION AND ORDER TO MODIFY
PRETRIAL DEADLINES**

Complaint Filed: September 3, 2020
FAC Filed: November 18, 2020

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1 Plaintiff and Counterclaim-Defendant CGI Federal, Inc. (“CGI”), on the one hand, and
2 Defendant and Counterclaimant Aerojet Rocketdyne, Inc. (“AR”), on the other hand, by and through
3 their respective counsel of record, hereby enter into the following stipulation and mutually request the
4 Court enter an order, pursuant to Federal Rule of Civil Procedure 16(b)(4), in accordance herewith:

5 1. CGI commenced the instant action on September 3, 2020, and filed the operative First
6 Amended Complaint (“FAC”) on November 18, 2020. AR answered the FAC and asserted
7 counterclaims against CGI on December 8, 2020, then filed its First Amended Answer to the FAC and
8 counterclaims on January 11, 2021. CGI answered AR’s counterclaims on December 24, 2020, and
9 filed its First Amended Answer on January 25, 2021.

10 2. On February 17, 2021, the Court issued its initial Pretrial Scheduling Order. On
11 October 20, 2021, pursuant to the parties’ stipulation, the Court issued an order on the parties’
12 Amended Stipulation To Amend Pretrial Scheduling Order (Dkt. #46), which, among other things: (a)
13 set the expert witness disclosure deadline for May 9 2022; (b) set the deadline for the completion of
14 all discovery for July 28, 2022; and (c) set the trial for March 13 2023.

15 3. The parties have diligently discharged their respective discovery obligations, both
16 before and after issuance of the Amended Pretrial Scheduling Order. While a number of discovery
17 disputes remain between them, the parties have continued to engage in meaningful meet and confer
18 efforts in an attempt to resolve those disputes without the need for Court intervention

19 4. To date, as part of discharging their respective discovery obligations:

20 (a) CGI has been diligent with respect to both seeking discovery it requires from
21 AR and its own document collection and production efforts. CGI has diligently propounded written
22 discovery on AR and served six subpoenas on the third parties with potentially relevant information.
23 With respect to its own collection, review and production efforts, CGI collected more than 3.7 million
24 documents from over 50 custodians, and CGI’s internal Sharefile and Privia sites. Through
25 application of search terms and other analytics, CGI identified over 1.3 million documents for potential
26 review. CGI also has established a review team of more than 30 reviewers. CGI already has produced
27 more than 950,000 documents consisting of roughly 6.8 million pages from its own custodians and
28

1 will continue to make substantial productions on a rolling basis in the future. Of those, CGI has
2 produced approximately 870,000 documents and 6.5 million pages since the Court issued its Amended
3 Pretrial Scheduling Order on October 20, 2021. In addition to its document production, CGI has
4 provided AR with 37 pages of material in its initial response to AR's first set interrogatories, 32 pages
5 in its amended responses to AR's first set of interrogatories, and 9 pages of material in response to
6 AR's second set of interrogatories. CGI has also responded to 17 requests for admission.

7 (b) AR initially collected nearly 2.4 million documents from an initial list of 13 custodians,
8 and its original list of proposed search parameters yielded nearly 550,000 documents for potential
9 review. At CGI's request, AR expanded its custodian list and increased the date range by three
10 additional years, resulting in a new collection universe of 3.4 million documents from 21 custodians.
11 Subsequently, at CGI's request and as a result of the good faith meet and confer process, AR added
12 additional terms to its search terms list, and added three additional custodians (for a total of 24), which
13 increased the volume of documents yielded from the search criteria. At current count, the documents
14 identified by the search criteria, post-deduplication and threading is more than 960,000 documents.

15 To review those documents identified as most likely to be responsive pursuant to the use of an
16 analytics protocol disclosed by AR to CGI, AR has employed a document review team consisting of
17 up to 41 reviewers. Based on that approach, AR already has reviewed over 606,000 documents to
18 date. AR already has produced 227,609 documents and more than 1,416,042 pages from its own
19 custodians' files on a rolling basis (less a small number of privilege clawbacks), with additional
20 productions to occur in the future. Of those, AR has produced approximately 222,478 documents and
21 1,369,425 pages since the Court issued its Amended Pretrial Scheduling Order on October 20, 2021.

22 AR has also conducted targeted searches for invoices and purchase orders/statements of work
23 responsive to requests in CGI's Third Set of Requests for Production of Documents. In addition to
24 AR's document production, AR has provided CGI with 64 pages of material in its initial response to
25 CGI's interrogatories, 57 pages in its supplemental responses to those interrogatories, and given CGI
26 access to nearly 640,000 documents from CGI contractors using AR email accounts.

The remaining productions anticipated are limited to additional purchase orders/invoices responsive to CGI's Third Set of Requests for Production of Documents, and a population of approximately 24,000 documents initially withheld for privilege, as well as efforts to perform quality control review and preparation of withheld documents on a privilege log.

5. Given the magnitude of discoverable material, the parties' continued good faith efforts to conserve judicial resources by attempting to resolve the case, and the parties' continued diligence in discharging their respective discovery obligations, good cause exists to modify the Amended Pretrial Scheduling Order to prevent the parties from being unfairly prejudiced absent a continuance of the existing deadlines in this case. The parties believe their diligence and substantial progress since the issuance of the Amended Pretrial Scheduling Order justifies the continuance sought herein.

NOW, THEREFORE, based on the foregoing, and subject to the Court's approval, the parties stipulate and agree that all existing deadlines should be continued for five months as follows:

Event	Current Deadline	Proposed Deadline
Expert Witness Disclosures	5/9/2022	10/10/22
Rebuttal / Supplemental Expert Disclosures	6/6/2022	11/7/22
Discovery Completion Deadline ¹	7/28/2022	12/9/22
Deadline to meet and confer on whether there will be cross-motions for summary judgment	8/11/2022	12/23/22
Deadline to file dispositive motions	9/12/2022	1/20/23
Hearing on dispositive motions	11/1/2022; 1:30 pm	3/28/23, 1:30 pm
Final Pretrial Conference	2/3/2023, 11:00 am	4/28/23, 11:00 am
Jury/Bench Trial (7-10 days)	3/13/2023; 9:00 am	6/26/23, 9:00 am

¹ In this context, "completion" means that all discovery shall have been conducted so that all depositions have been taken and any disputes relative to discovery shall have been resolved by appropriate order if necessary and, where discovery has been ordered, the order has been complied with.

Dated: April 13, 2022

ROGERS JOSEPH O'DONNELL

Neil H. O'Donnell

Lauren Kramer Sujeeth

By: s/ Lauren Kramer Sujeeth

Lauren Kramer Sujeeth

(as authorized on April 13, 2022)

Attorneys for Plaintiff/Counterclaim-Defendant

CGI FEDERAL INC.

Dated: April 13, 2022

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By: /s/ Kirk A. Hornbeck

Kirk A. Hornbeck

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ATTESTATION

I, Kirk A. Hornbeck, am the ECF user whose ID and password are being used to file this document. In compliance with Local Rule 5-1(i)(3), I attest that concurrence in the filing of the document has been obtained from the other signatory.

Dated: April 13, 2022

/s/ Kirk A. Hornbeck
Kirk A. Hornbeck

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ORDER

Having reviewed the parties' stipulation, and good cause being shown therefor, the Court hereby ORDERS that the dates set forth in the Court's Amended Pretrial Scheduling Order shall be continued as set forth in the foregoing stipulation.

IT IS SO ORDERED.

Dated: April 14, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE

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